

Message Text

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ACTION SS-25

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O 141100Z FEB 76

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC IMMEDIATE 3943

S E C R E T SECTION 1 OF 2 BRASILIA 1346

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EXDIS

FOR AMBASSADOR LEARSON AND DEPUTY ASSISTANT SECRETARY FISHLOW

E. O. 11652: GDS

TAGS: PLOS, BR

SUBJECT: LAW OF THE SEA AND THE SECRETARY'S VISIT TO BRAZIL

REF: STATE 032213

1. SUMMARY. FOR LOS REASONS AND FOR REASONS
GOING WELL BEYOND LOS TO THE HEART OF BRAZIL'S LONG-TERM
RELATIONSHIP WITH US, THE EMBASSY CONSIDERS IT WORTHWHILE FOR
THE SECRETARY TO MAKE AN APPROACH OF THE KIND PROPOSED, WITH
THE CAVEAT THAT THE OFFER ON THE SEABEDS ISSUE IS INADEQUATE
AND WILL HAVE TO BE STRENGTHENED BY EITHER A FIRMER, CLEARER
ASSURANCE ON THE COMMODITY AGREEMENTS OR AN OFFER TO SHARE
TECHNOLOGY (BOTH OF WHICH WE REALIZE, ARE VERY DIFFICULT
TO GIVE). WE ALSO BELIEVE THAT AS OF NOW THE GOB IS
NOT PREPARED TO MAKE THE CENTRAL CHOICE IMPLICIT IN THE
"SECURITY" OFFER AND ALSO THAT IT CAN MAKE COUNTER-
PROPOSALS WHICH APPEAR RESPONSIVE TO OUR SOUTH ATLANTIC
SECURITY INTERESTS BUT WHICH DO ABSOLUTELY NOTHING TO
ALLEVIATE OUR BROADER CONCERNS AND MIGHT, MOREOVER, FORCE
US INTO TECHNOLOGICAL COOPERATION UNREQUITED IN TERMS OF
GAINS ON LOS. FINALLY, WE HARBOR DOUBTS ABOUT THE DECISIVE-
NESS OF BRAZIL'S INFLUENCE WITH PERU ON THESE ISSUES.

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2. OUR COMMENTS ARE GROUPED UNDER FOUR HEADINGS:

- A. GENERAL DESIRABILITY OF THE APPROACH.
- B. THE DEEP SEABEDS ISSUE.
- C. THE ISSUES OF NON-ECONOMIC DEVICES AND SCIENTIFIC RESEARCH.
- D. CONCLUSIONS.

3. DESIRABILITY: WE CONSIDER THE APPROACH WORTH MAKING IN VIEW OF THE CRITICAL NATURE OF THE ISSUES, THE IMPORTANCE OF TRYING TO TAKE ADVANTAGE OF AN APPARENT BRAZILIAN SOFTENING ON THE SEABEDS ISSUES, AND THE OPPORTUNITY AFFORDED BY THE APPROACH TO GET A BETTER DEFINITION OF BRAZIL'S VIEW OF ITS ROLE IN RELATION TO THE FIRST AND THIRD WORLDS. FOR REASONS DISCUSSED BELOW UNDER EACH PART OF THE PROPOSED APPROACH, WE ARE NOT OPTIMISTIC THAT THE PRESENT FORM OF THE APPROACH WILL PRODUCE THE RESULTS WE SEEK. IN THAT SENSE, THE APPROACH SHOULD PERHAPS BE CONSIDERED A "FIRST PASS" THAT WILL REQUIRE FOLLOW-UP AND FIRMER, MORE CREDIBLE AND CLEARER COMMITMENTS AND INCENTIVES FROM US. WE ALSO ARE NOT PERSUADED THAT THE GOB CAN EXERCISE SUFFICIENT DIPLOMATIC PERSUASION AND LEVERAGE TO HAVE DECISIVE INFLUENCE ON THE GROUP OF 77 CONSENSUS, EVEN THOUGH THE BRAZILIAN ROLE ON LOS ISSUES IN THE G-77 IS MORE VIGOROUS AND EFFECTIVE THAN ON OTHER QUESTIONS.

4. THE DEEP SEABEDS ISSUE: WE FIND THE SIGNS OF BRAZILIAN GIVE ON THIS QUESTION MOST INTERESTING, AND WE CONSIDER THE PACKAGE PRESENTED BY THOMPSON FLORES TO BE A FULLY AUTHORIZED ONE. OUR PROBLEM WITH THE RESPONDING SIGNAL IN THE PROPOSED APPROACH IS THAT IT IS UNCERTAIN, WEAK AND, IN GENERAL, INADEQUATE IN MEETING THE CONDITION SET BY THE GOB, I.E., OUR AGREEMENT, IN PRINCIPLE, TO NEGOTIATE COMMODITY ARRANGEMENTS FOR THE FOUR METALS. IN THE FIRST PLACE, A LEAD-IN REFERENCE TO THE COFFEE AGREEMENT AS AN EARNEST OF OUR GENERAL POSITION ON COMMODITY AGREEMENTS APPEARS TO US TO BE CHANCY IN ITSELF. SO FAR AS WE KNOW, THERE IS AS YET NO FIRM DECISION WITHIN THE EXECUTIVE BRANCH TO SUBMIT THE DRAFT AGREEMENT NOR IS THERE ANY ASSURANCE OF CONGRESSIONAL APPROVAL. IN SHORT, THE REFERENCE IS ABOUT ALL WE HAVE BUT RIGHT

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NOW IT IS NOT VERY MUCH, EVEN AS A SIMPLE INDICATOR OF GOOD FAITH. THE SECOND PART OF THE INTENDED RESPONSE TO THE BRAZILIAN CONDITION IS, AS WE READ IT, A RE-AFFIRMATION OF OUR OFT-STATED PUBLIC POSITION ON COMMODITY AGREEMENTS. WE JUDGE THAT SUCH A DECLARATION OF ESTABLISHED POLICY WILL BE VIEWED BY THE GOB AS BEING FAR FROM MEETING THEIR REQUIREMENT. OUR VIEW IS THAT SOMETHING MORE SUBSTANTIAL AND SPECIFIC WILL HAVE TO BE SUPPLIED DOWN

THE LINE. WE ARE AWARE OF THE CURRENT SEVERE LIMITATIONS ON OUR ABILITY EVEN TO INDICATE AN AGREEMENT IN PRINCIPLE TO NEGOTIATE AGREEMENTS ON THE SPECIFIC COMMODITIES, BUT UNTIL THAT SITUATION CHANGES -- IF IT DOES -- WE ARE SKEPTICAL THAT THE GOB WILL BITE. WE MAY BE OVER-INTERPRETING BUT IT SEEEMS TO US THAT CONSIDERABLE WEIGHT IS BEING PLACED ON THE INCENTIVATING EFFECT ON BRAZIL AND OTHERS OF THE THREAT OF DOMESTIC SEABED MINING LEGISLATION. WE DO NOT BOUBT THAT THIS CONSIDERATION HAS AN EFFECT ON BRAZIL IN LIGHT OF ITS CURRENT AND POTENTIAL EXPORT CAPACITY IN MANGANESE AND NICKEL -- ALTHOUGH ITS HEAVY COPPER IMPORT REQUIREMENTS WOULD PRESUMABLY CUT THE OTHER WAY. AT THE SAME TIME, WE DO NOT UNDERESTIMATE THE ABILITY OF THE LDC'S -- AND SOME DC'S -- TO GET A "POLITICAL INJUNCTION" AGAINST US IN THE UN THAT WOULD AT THE LEAST MAKE US UNCOMFORTABLE. IN SUM, WE WOULD GUESS THAT THE STICK OF DOMESTIC LEGISLATION IS NOT A DECISIVE FACTOR IN THE BRAZILIAN EQUATION.

5. WHAT, IN OUR JUDGMENT, WOULD HAVE CONSIDERABLY MORE IMPACT ON BRAZIL WOULD BE OUR READINESS TO GRANT ACCESS TO DEEP SEABED MINING TECHNOLOGY, AN ELEMENT REFERRED TO BUT NOT PURSUED IN THE DELINEATION OF THE PROPOSED APPROACH. THE AMBASSADOR HAZARDED THE OPINION TO UNDER SECRETARY MAW AND TO AMBASSADOR MOORE LAST YEAR THAT, IF BRAZIL WERE TO BE MOVE, IT WOULD BE THROUGH AN OFFER BY US TO SHARE TECHNOLOGY IN JOINT VENTURES FOR EXAMPLE. WE BELIEVE THAT THE BRAZILIAN INTEREST TOUCHED UPON IN THE DRAFT PAPER TENDS TO SUPPORT THAT TENTATIVE JUDGMENT. THE EMBASSY UNDERSTANDS THE COGENCY OF ARGUMENTS AGAINST SHARING OUR JEALOUSLY GUARDED TECHNOLOGY NOW AND, WE JUDGE, FOR SOME TIME TO COME. OUR PURPOSE IS TO POINT OUT THAT IT IS AN ASSET THAT WE MAY WANT OR HAVE TO TRADE ON EVENTUALLY IF WE ARE TO ACHIEVE A DEAL WITH BRAZIL.

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
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FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC IMMEDIATE 3944

S E C R E T SECTION 2 OF 2 BRASILIA 1346

STADIS//////////

EXDIS

FOR AMBASSADOR LEARSON AND DEPUTY ASSISTANT SECRETARY FISHLOW

6. TO SUM UP OUR JUDGMENTS ON THE PORPOSED APPROACH ON THE SEABEDS ISSUE: IT IS WORTH MAKING AS A FIRST EFFORRT TO SHOW INTEREST AND KEEP THE BALL MOVING, BUT IT WILL BE ONLY THE BEGINNING OF A PROCESS WHICH WILL REQUIRE CONSIDERABLY MORE GIVE ON OUR PART.

7. ISSUE OF NON-ECONOMIC DEVICES/SCIENTIFIC RESEARCH. IT SEEMS TO US THAT THE ARGUMENTS SUGGESTED IN THE PROPOSED APPROACH FOR USE WITH BRAZIL ON THIS ISSUE IMPLY A BRAZILIAN VISION OF THE WORLD THAT DOES NOT CONSIST WITH CURRENT REALITY. THE FACT IS, AS THE EMBASSY HAS BEEN REPORTING, THAT THE VERY CONCEPTS INCORPORATED OR IMPLICIT IN THE PROPOSED AGREEMENTS-- BROAD BRAZILIAN INTERESTS IDENTIFIED WITH THOSE OF THE FIRST WORLD, BRAZILIAN CONCERN ABOUT THE SECURITY OF THE SOUTH ATLANTIC, BRAZILIAN READINESS TO TAKE A ROLE IN THE MAINTENANCE OF THE OVERALL WORLD BALANCE OF POWER -- ARE NOT ACCEPTED, OTHER THAN IN OCCASIONAL RHETORIC, IN THE CURRENT GEISEL-SILVEIRA VERSION OF BRAZILIAN FOREIGN POLICY. THERE ARE ELEMENTS IN THE GOB, PARTICULARLY IN THE THE NAVY AND TO SOME EXTENT IN THE TWO OTHER SEVICES, THAT DO SHARE THESE CONCEPTS, BUT THEY ARE NOT COMPELLING PRINCIPLES TO THE CURRENT MANAGERS OF POLICY WHO ARE ORIENTED TOWARD THE THIRD WORLD. IT IS HIGHLY RELEVANT
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TO OBSERVE THAT ON THIS BROAD ISSUE WE ARE REALLY ASKING THE GOB -- WHICH, WE GATHER, HAS NOT GIVEN ANY INTIMATIONS OF MOVEMENT ON THIS ISSUE LIKE THOSE ON THE SEABEDS ISSUE -- TO TURN DIRECTLY AWAY FROM ITS ASSOCIATION WITH THE G-77/ THIRD WORLD AND TO JOIN US. THE CHARACTERISTICS OF THIS SITUATION ARE MUCH MORE STARK THAN THOSE IN THE SEABEDS ISSUE. WE ARE, WHETHER WE FULLY REALIZE IT OR NOT OR INTEND IT OR NOT, PUTTING A CLEAR-CUT CHOICE TO THE BRAZILIANS, ONE ON WHICH THERE IS AN ON-GOING DEBATE

IN CONCERNED BRAZILIAN CIRCLES. TO US IN THE EMBASSY THIS CHALLENGE, THIS TEST WOULD BE ONE OF THE MOST VALUABLE ASPECTS OF THE PROPOSAL. AS WE SEE IT, HOWEVER, THE BRAZILIANS WOULD NOT HAVE TO MAKE THE CHOICE, TO ACCEPT THE TEST. OUR INVITATION TO BRAZIL TO COOPERATE IN OVERALL SUBMARINE DETECTION IN THE SOUTH ATLANTIC IS APPARENTLY INTENDED TO BE THE CONCRETE INDUCEMENT IN THE PROPOSAL (WITH THE APPEAL TO "HIGHER INTERESTS" BEING THE OTHER, SOMEWHAT PHILOSOPHICAL COMPONENT). NOW WE ESTIMATE THAT THE BRAZILIAN NAVY WOULD BE VERY DEFINITELY INTERESTED IN A COOPERATIVE EFFORT NOT ONLY OUT OF GENERAL PRINCIPLE BUT ALSO BECAUSE OF THE IMPLICATION OF ACCESS TO ADVANCED TECHNOLOGY. BUT ACCEPTANCE OF THE INVITATION BY BRAZIL AT THE COST OF ABANDONING ITS STRONG POSITION ON "NON-ECONOMIC DEVICES" AND SCIENTIFIC RESEARCH, THUS DESERTING ITS LDC ASSOCIATES, WOULD BE, AS WE HAVE SAID, MOST DIFFICULT IN POLITICAL AND POLICY TERMS. WE JUDGE, THEREFORE, THAT THE BRAZILIANS WOULD COUNTER WITH ONE OF TWO OFFERS, BOTH OF WHICH WOULD LEAVE THEIR LOS POSTURE INTACT AND US IN LEFT FIELD: ACCEPT COOPERATION, WITH THE DEVICES UNDER BRAZILIAN OPERATION AND CONTROL; OR ACCEPT COOPERATION AND PERMIT, AS A SPECIAL GESTURE RECOGNIZING OUR SECURITY CONCERNS, OUR INSTALLATION AND OPERATION OF THE DEVICES. (THIS LATTER WOULD BE ANALOGOUS TO THE OFFER THEY USED TO MAKE YEARS AGO NOT TO INTERFERE WITH OUR NAVAL MOVEMENTS IN THEIR CLAIMED 200 MILE TERRITORIAL SEA.) EITHER OF THESE ARRANGEMENTS MIGHT ENHANCE SECURITY IN THE SOUTH ATLANTIC BUT WOULD NOT HELP US ON THE LOS STRUGGLE. BOTH OF THEM ALSO RAISE THE QUESTION WHETHER WE COULD, GIVEN OUR PROFESSED SECURITY CONCERNS, WHICH THE GOB COULD SAY THEY WERE MEETING, WITHDRAW THE INVITATION OF
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COOPERATION IN SUBMARINE DETECTION. THE NET OF ALL THIS IS THAT, IF OUR OFFER OF A COOPERATIVE EFFORT IN DETECTION IS ENTIRELY CONDITIONED UPON A REVERSAL OF BRAZILIAN LOS POLICY, WE PROBABLY SHOULD NOT BEGIN TO GO DOWN THIS ROAD. IF WE ARE PREPARED, THEN IT IS WORTH WHILE TO MAKE THE PROBE, WHICH, AS WE HAVE SAID, CAN HAVE IMPORTANT POLITICAL DIMENSIONS BEYOND LOS. IN OUR OPINION, IT IS ALWAYS WORTHWHILE TO REMIND THE GOB OF THE SECURITY REALITIES AND THE RESPONSIBILITIES THEY CREATE, EVEN IF IT IS NOT READY, AT LEAST NOW, TO RECOGNIZE THEM.

8. IT IS NOT CLEAR TO US WHETHER THE PROPOSALS ON THE TWO ISSUES ARE PARTS OF AN UNBREAKABLE PACKAGE OR ARE SEPARABLE. IF THEY ARE INDISSOLUBLE, WE FRANKLY ESTIMATE THAT THE CHANCES OF THE GOB'S

ACCEPTANCE OF THE PACKAGE ARE LEES THAN THOSE OF ITS
BUYING AN EVENTUALLY SWEETENED TRANSACTION ON SEABEDS.

9. THE FINAL ELEMENT OF THE PROPOSAL WE WANT TO
ADDRESS IS THE ESSENTIALITY OF A HIGH-LEVEL BRAZILIAN
DEMARCHÉ TO PERU. WE ARE NOT SO SANGUINE AS THE
DRAFTERS APPEAR TO BE ABOUT BRAZIL'S DECISIVE INFLUENCE
WITH PERU ON THIS KIND OF ISSUE, ALTHOUGH WASHINGTON MAY OF
COURSE HAVE BETTER INFORMATION ON THIS THAN WE. DESPITE THE GOB'S
INTEREST IN GAINING A BETTER POSITION IN PERU OVER TIME,
THAT EFFORT HAS REALY JUST BEGUN AND WE HAVE THE
IMPRESSION THAT BRAZIL UNDERESTIMATES THE DEGREE OF
PERUVIAN SUSPICION THAT IT MUST OVERCOME. THE GOB WOULD
BE MAKING A VERY DIFFICULT REQUEST OF LIMA ON A MATTER
OF MAJOR PERUVIAN INTEREST. OF THE TWO PARTS OF THE
PROPOSAL, WE WOULD JUDGE FROM HERE THAT THE SEABEDS
ELEMENT WOULD BE LESS DIFFICULT FOR BRAZIL TO SELL TO
PERU THAN THE "SECURITY" ELEMENT.

10. CONCLUSION: FOR LOS REASONS AND FOR REASONS GOING WELL
BEYOND LOS TO THE HEART OF BRAZIL'S LONG-TERM RELATIONSHIP
WITH US, THE EMBASSY CONSIDERS IT WORTHWHILE FOR THE
SECRETARY TO MAKE AN APPROACH OF THE KIND PROPOSED, WITH THE
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